



**CITY OF SEWARD
City Council
Committee Meeting
Agenda**

**Monday, September 8,
2025**

7:30 PM

Council Chambers at the Municipal Building

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:30 PM on Monday, September 8, 2025, in the Council Chambers, 142 N 7th Street, Seward, Nebraska in which the meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30 PM on the Friday preceding the Council Meeting. City financial claims and related invoices will be available for Council member review, audit, and voluntary signatures at the meeting location beginning 30 minutes prior to the scheduled meeting time.

CALL TO ORDER

DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS

This is an Open Meeting of the Seward Planning Commission. The Seward Planning Commission abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Commission. Presenters shall approach the podium, state their name & address for the record and are asked to limit remarks to five minutes. All remarks shall be directed to the Chair who shall determine by whom any appropriate response shall be made. The Seward Planning commission reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of the items listed.

ROLL CALL

CONSENT AGENDA

MINUTES

1. Consideration of Approval of Draft Minutes of August 11, 2025.

City of Seward Planning Commission

Minute Record August 11, 2025

The City of Seward Planning Commission met in regular session at 7:30p.m. August 11, 2025, in the Council Chambers at the Municipal Building at 142 North 7th Street, Seward, Nebraska. Upon roll call the following Commission Members were present: Clarence Kotera, Ron Wallman, Sue Bowen, Jake Miller, Ron Niemoth, Scott Seevers, Ron Jackson, and Lacey Koch, Other Officials present: Building and Zoning Director, Tim Dworak, City Administrator, Greg Butcher, and Administrative Assistant, Sara Van Cura.

Absent members were: Dan Ellis, and Traci Menke

All proceedings hereafter shown were taken while the convened meeting was open to the public. The meeting with the Planning Commission was called to order by Vice Chairperson Ellis at 7:30 p.m. He requested that all individuals speaking during the public hearing limit their comments to five minutes.

Minutes

Consideration of Approval of Draft Minutes of July 14, 2025.

Moved by Commission Member Seevers; Seconded by Commission Member Kotera to approve the minutes.

Aye: Kotera, Wallman, Bowen, Miller, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Ellis. Motion carried.

1. Public Hearing 7:30pm: review a preliminary and final plat of Bluff Road Acres 2n Addition, a replat of Lots 7 & 8 Bluff Road Acres, located in the N1/2 of the NW1/4 of Section 23, Township 11 North, Range 3 East of the 6th P.M. Seward County, Nebraska.

Chairperson Wallman opened the public hearing.

Dworak stated there were two large remaining lots consisting of 48.96 acres. They now have come back with nine more residential lots on that south part. We are not extending utilities. This is not addressed in the comp plan. It's just outside our comp plan. We did create an access road easement, and should this be annexed, it lines up with East Lincoln Street. It's named East Lincoln Ave in the interim. With rural residential lots, drainage is overland. It meets all lot size requirements.

Scott and Justine Hahn, 2469 Bluff Rd, expressed their strong opposition to the development citing traffic congestion on poorly maintained roads, water supply, sewage lagoons, fire safety, wildlife and livestock.

Chairperson Wallman asked how deep is the Hahn's well and if they had an issues.

Scott Hahn answered 385' deep and not issues at this time.

Thomas Kayton, 1119 Augusta Dr., stated that Brock and he are the developers on this. Kayton stated they talked to Ernest and he didn't seem to think it would be a big

deal to have this many wells. We do not plan on putting the road in until there are more houses, and when they did, there would be a turn around.

Ryan and Marla Baumbach, 1560 252nd Rd, stated the live south of the development, and are worried about their water. Ryan stated their well is 380' hanging at 365'.

Chairperson Wallman asked if they have had any issues when irrigation kicks in.

Ryan Baumbach, stated yes you can tell our well is struggling.

Becky Baker, 2443 Bluff Rd, stated she leaves just east of the property here. She stated that creek to the west of her has flooded halfway up that hill and that lot should not be developed.

Chairperson Wallman asked Baker if she's had any water problems.

Baker stated she had issues with mud or sand, but it was probably 15 years ago.

Chairperson Wallman suspends the public hearing.

Commission Member Koch moved to approve a preliminary and final plat of Bluff Road Acres 2nd Addition, a replat of Lots 7 & 8 Bluff Road Acres, located in the N1/2 of the NW1/4 of Section 23, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska; application for a part of the Southwest Quarter of Section 1, Township 11 North, Range 3 East of the 6th P.M. Seward County, Nebraska; seconded by Commission Member Seevers.

Commission Member Kotera stated he concurs with the water issue out there. Without any testing it's a concern.

Commission Member Seevers stated that adjacent counties don't have a water conservation district, so even if we're really conservative, nothing will stop folks in nearby Lancaster County and so forth from operating with less restrictive drilling. Seevers stated he attended an event in Garland where a gentleman from UNL presented on the aquifer out there. There is saltwater below it and there is some risk at some point that we can perforate the lower aquifer and it could contaminate this aquifer. Over the last 20 years the available water has been stable. Its down about 20 feet which sounds like a lot, but we've been in a drought for several years.

Chairperson Wallman entered into the record an email from Dave and Jeanie Jones. Their points were does this meet with Seward's orderly level of growth, and the connectivity issue with existing infrastructure, capacity of the aquifer, and issues with septic system drainage in low lying areas as far as contamination risk.

Chairperson Wallman entered a note from Steve Plamman. His concern is excess development, water, and infrastructure of the roads.

Commission Member Niemoth stated water was one of his main concerns when he built, but it's buyers problem.

Aye: Bowen, Miller, Niemoth, Seevers, Jackson, Koch

Nay: Kotera, Wallman.

Absent: Ellis. Motion carried

2. Public Hearing 7:30pm: designation of area from Lincoln Street to Roberts Street and 10th Street to 2nd Street as blighted and substandard and amendment to the redevelopment plan for the City, including the proposed blighted and substandard area.

Chairperson Wallman opened the public hearing.

Greg Butcher, City Administrator, stated we are considering a blight and substandard study to allow TIF funding. One is the Peery house on Third Street. The other is the Concorde Apartments. There is a vacant quarter that is undeveloped. if we blight a tiny area, it may not meet be sufficient for utilization for financing and statutory thresholds. They came back and said why don't you just connect these. Butcher stated we will also begin rolling other areas off. As we roll them off, it will also remove them from the substandard area.

Bobbi Pettit, 2123 Central Suite D Kearney NE, the owner of Five Rule Rural Planning. Pettit stated they follow community redevelopment law. Community redevelopment law defines what blighted is, defines what substandard is, and layout the criteria. They are hired as a neutral third party. The City of Seward is a first class and cannot declare more that 35% as blighted and substandard.

Callin Ledall, 2940 Waverly Rd, asked what's the process to add a property or group of properties to the study.

Pettit stated would just need to be under 35%.

Chairperson Wallman suspends the public hearing.

Commission Member Kotera moved to approve the designation of the area from Lincoln Street to Roberts Street and 10th Street to 2nd Street as blighted and substandard; seconded by Commission Member Miller.

Chairperson Wallman stated we have a shortage of lots in Seward, and we see old house bulldozed it down and put in a newer home.

Aye: Kotera, Wallman, Bowen, Miller, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Ellis. Motion carried.

Chairperson Wallman reopened the public hearing for the amendment to the redevelopment plan for the City, including the proposed blighted and substandard area.

Pettit stated we are citing the condition of the property and the area, the existing land use map, and the future land use map. The future land use would be in the comprehensive plan. The redevelopment project has to fit within the comprehensive plan.

Chairperson Wallman closed the public hearing.

Commission Member Kotera moved to approve the amendment to the redevelopment plan to add the proposed blighted and substandard area; seconded by Commission Member Koch.

Aye: Kotera, Wallman, Bowen, Miller, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Ellis. Motion carried

3. Administrative Item

4. Reports

5. Agenda Items

6. Upcoming Events

Meeting adjourned 8:53 p.m.

Sara Van Cura
Administrative Assistant

DRAFT

PUBLIC HEARINGS

1. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 3 Use Types, 410-3.7 Commercial Uses; 410 Attachment 1 Use Matrix, and Article 31 Supplemental Use Regulations.

APPLICATION TYPE

FINAL ACTION?

DEVELOPER/OWNER

ULDO Amendment

PC HEARING DATE

RELATED APPLICATIONS

PROPERTY ADDRESS, ZONING DISTRICT/USE

September 8, 2025

BRIEF SUMMARY OF REQUEST

Review of a City of Seward Unified Land Development Ordinance (ULDO). Article 3 Use Types, 410-3.7 Commercial Uses; 410 Attachment 1 Use Matrix, and Article 31 Supplemental Use Regulation; in reference to aviation maintenance and repair.

APPLICATION CONTACT

Tim Dworak

City of Seward - Building and Zoning

ANALYSIS

Attached is the proposed amendment red line changes as well as the existing amendment for comparison.

This amendment change is to add a proposed use for Aviation maintenance and repair services to Commercial uses and to define requirements for a conditional use permit in the supplemental uses and to update the use matrix for the appropriate zoning districts the use would be allowable in.

The notice of this Public Hearing was posted in the Seward County Independent.

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director



Request for Amendment to the Unified Land Development Ordinance

Date: 2/16/25 Application Fee: \$200 + Notification Fee: \$100 + Filing Fee: _____ = Amount Due: \$300

Applicant: Steve Helmandollar Address: 1600 N 212th St, Elkhorn NE 68022

Phone: _____ Email: _____

I wish to _____ Build _____ Alter Buildings/
Structures _____ Change the Use of Land or Structures _____ Premise Address: 1253 280th Rd

Legal Description: E² NE⁴ 5-10-3

The following change in the Unified Land Development ordinance is hereby requested:

Change in zoning of the subject property from its present classification: _____

To the following proposed zoning classification: _____

Amend the text or district regulations as follows: allow aviation maintenance & repair in G2 district w/ conditional use permit

To permit the following improvement or use: Aviation maintenance & repair

The applicant shall furnish a plat of the area containing the property for which a zoning change is sought and including all the lots within 300 feet of the property lines of the subject property. The plat shall show existing and proposed zoning.

I certify that the above information and that required by section _____ of the _____ Unified Land Development Ordinance, as submitted herewith, is, to the best of my knowledge, true and accurate.

Applicate Signature: 

§ 410-31.5. Commercial uses. [Amended 2-8-2019 by Ord. No. 2019-05; 9-17-2019 by Ord. No. 2019-26; 11-17-2020 by Ord. No. 2020-31; 10-4-2022 by Ord. No. 2022-17]

- A. Auto service, repair, equipment repair, travel center, truck stop, and body repair uses.
 - (1) Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 33 of this chapter.
 - (2) Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.
 - (3) All entrances and exits serving a gasoline or diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
 - (4) All fuel pumps shall be set back at least 15 feet from any street line.
- B. Automobile, RV, and equipment rental and sales.
 - (1) All outdoor display areas for rental and sales facilities shall be hard-surfaced, unless screened from casual view as provided by § 410-33.6.
 - (2) Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.
- C. Bed-and-breakfasts.
 - (1) When permitted in residential districts, bed-and-breakfasts shall include a maximum of four guest units and the residence of the facility owner.
 - (2) Bed-and-breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level, except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
- D. Campgrounds.
 - (1) Minimum size. Each campground established after the effective date of this chapter shall have a minimum size of one acre.
 - (2) Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot bufferyard from all other property lines.
 - (3) Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers providing their own on-board water and disposal systems.

- E. Construction sales and service. Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:
- (1) Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
 - (2) All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
 - (3) All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
 - (4) Minimum screening shall be consistent with screening standards set forth in § 410-33.6.
 - (5) All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.
- F. Convenience storage. When permitted outside of the I-2 District, convenience storage facilities shall be subject to the following additional requirements:
- (1) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - (2) All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
 - (3) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 - (4) No storage buildings may open into required front yards.
 - (5) Facilities, except within the CBD (Central Business District), must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 33.
 - (6) Within the CBD (Central Business District), all storage units must be contained within an enclosed building structure.
- G. Dog day care.
- (1) The dogs shall be under the direct supervision of an on-duty company employee at all times.
 - (2) Provide sight-obscuring fencing for all on-site outdoor exercise areas. The fence shall be subject to § 410-32.8, Fence regulations.
 - (3) Outdoor exercise area shall have artificial turf and/or pea gravel.
 - (4) Maximum of 15 dogs in the outdoor exercise area.
 - (5) Outdoor exercise area hours of operation are from dawn to dusk.

- (6) The outdoor exercise area shall not be used on July 4.
- (7) Dog day care facilities shall not be adjacent to a residential zoning district; this includes across streets and rights-of-way.
- (8) The applicant shall be required to obtain all licenses and permits and meet the City's conditional use and site plan review requirements, as applicable.

H. Kennels.

- (1) The minimum lot size shall be two acres.
- (2) No dog runs or exterior kennels shall be located nearer than 50 feet to any property line and 100 feet to the property line of any residential use or district.
- (3) All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 33, establishing landscape and screening standards.

I. Restricted (adult entertainment) businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

- (1) No adult entertainment business shall be open for business between the hours of 12:00 midnight and 6:00 a.m.
- (2) A new adult entertainment business shall not be allowed within 1,000 feet of an existing adult entertainment business.
- (3) A new adult entertainment business shall not be located within 500 feet of any residentially zoned district or 1,000 feet of a preexisting school, public park, or place of worship.
- (4) The provisions of this subsection shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformance shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope, and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
- (5) Measurement of distances. For the purpose of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the main entrance of such adult entertainment business.
- (6) No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate,

member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.

- (7) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
- (8) An adult entertainment business shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. The sign shall comply with the City's sign regulations. This subsection shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- (9) Nuisance operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or injunction thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

§ 410-3.7. Commercial use types. [Amended 4-3-2018 by Ord. No. 2018-10; 2-8-2019 by Ord. No. 2019-05; 6-16-2020 by Ord. No. 2020-13; 10-4-2022 by Ord. No. 2022-17]

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

- A. Agricultural sales and service: establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- B. Automotive and equipment services: establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
 - (1) Automobile auction lots: sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
 - (2) Automotive rental and sales: sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
 - (3) Auto services: provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but exclude dismantling, salvage, or body and fender repair services.
 - (4) Body repair: repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
 - (5) Equipment rental and sales: sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
 - (6) Equipment repair services: repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

C. Aviation maintenance and repair: inspection, overhaul, repair, preservation, and replacement of parts and components to ensure an aircraft's continued airworthiness.

~~C.D.~~ Bed-and-breakfast: a lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed-and-breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed-and-breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.

~~D.E.~~ Business support services: establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

~~E.F.~~ Business or trade schools: a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

~~F.G.~~ Campground: facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.

~~G.H.~~ Cocktail lounge: a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

~~H.I.~~ Commercial recreation (controlled-impact): private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled-impact commercial recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, miniature golf courses, and private golf courses.

~~I.J.~~ Commercial recreation (high-impact): private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. High-impact commercial recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.

~~J.K.~~ Communications services: establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as "utilities." Typical uses include television studios, telecommunications service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures, are classified as "miscellaneous use types."

K.L. Construction sales and services: establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under "automotive and equipment services." Typical uses include building materials sales, or tool and equipment rental or sales.

L.M. Consumer services: establishments that provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

M.N. Convenience storage: storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

N.O. Dog day care: establishments where dogs may be groomed, trained, exercised, and socialized but not bred, sold, or let for hire. Dogs may be boarded when totally within a building.

O.P. Food sales: establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

- (1) Convenience food sales: establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sale of fuel for motor vehicles.
- (2) Limited food sales: establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
- (3) General food sales: establishments selling a wide variety of food commodities and related items, using facilities 10,000 square feet or larger but less than 40,000 square feet. Typical uses include grocery stores and locker plants.
- (4) Supermarkets: establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities 40,000 square feet or larger. Typical uses include large grocery stores.

P.Q. Funeral services: establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Q.R. Gaming facilities: establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of the City of Seward and/or the State of Nebraska.

R.S. Kennels: boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than three animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich-raising facilities, pet motels, or dog training centers.

S.T. Laundry services: establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as "personal services." Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

T.U. Liquor sales: establishments or places of business engaged in retail sale of alcoholic beverages for off-premises consumption. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

U.V. Lodging: lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed-and-breakfasts. Typical uses include hotels, apartment hotels, and motels.

V.W. Personal improvement services: establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

W.X. Personal services: establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry-cleaning stations serving individuals and households. Personal services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

X.Y. Pet services: retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

Y.Z. Research services: establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

Z.AA. Restaurants: a use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

(1) Restaurant (drive-through or fast-food): an establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility, ordering boards, drive-through windows/lanes, on-site accommodations, self-service, and short stays by customers.

(2) Restaurant (general): an establishment characterized by table service to customers and/

or accommodation to walk-in clientele, as opposed to drive-in or fast-food restaurants. Typical uses include cafes, coffee shops, and restaurants.

AA-BB. Restricted (or adult) businesses: any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.

- (1) For the purposes of this definition, "specified anatomical areas" include the following if less than opaquely covered: human genitals, the pubic region, pubic hair, or the female breast below a point immediately above the top of the areola.
- (2) "Specified sexual activities" include any of the following conditions:
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts or representations of acts of human masturbation, sexual intercourse with humans or animals, oral sex, or flagellation.
 - (c) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
 - (d) Excretory functions as part of or in connection with any activities set forth in (a) through (c) above.

BB-CC. Retail services: sale or rental with incidental service of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

- (1) Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).
- (2) General retail services include:
 - (a) Limited retail services: establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Seward and its surrounding vicinity.

- (b) Medium retail services: establishments providing retail services, occupying facilities between 3,001 square feet and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general-purpose retailing oriented to Seward and its surrounding vicinity.
- (c) Large retail services: establishments providing retail services, occupying facilities between 10,001 square feet and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Seward and its surrounding vicinity.
- (d) Mass retail services: establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Seward and the surrounding region.

~~CC~~.DD. _____ Stables and/or riding academies: the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equines for hire.

~~DD~~.EE. _____ Surplus sales: businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

~~EE~~.FF. _____ Trade services: establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

~~FF~~.GG. _____ Travel centers: facilities that provide for the sale of fuel, provisions, and supplies to motorists, including operators of over-the-road trucks, in which less than 30% of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes.

~~GG~~.HH. _____ Truck stops: facilities that provide for the sale of fuel, provisions, and supplies to motorists, including operators of over-the-road trucks, in which 30% or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other

principal state and federal designated highway routes.

III.II. Veterinary services (general): veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoriums, and veterinary hospitals for livestock and large animals.

III.JJ. Veterinary services (large animal): veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

ZONING AND SUBDIVISION

410 Attachment 1

City of Seward

Use Matrix

[Amended 11-20-2018 by Ord. No. 2018-19; 2-8-2019 by Ord. No. 2019-05; 2-19-2019 by Ord. No. 2019-04; 7-16-2019 by Ord. No. 2019-21; 6-16-2020 by Ord. No. 2020-13; 11-17-2020 by Ord. No. 2020-31; 7-6-2021 by Ord. No. 2021-15; 8-17-2021 by Ord. No. 2021-18; 10-4-2022 by Ord. No. 2022-17]]

KEY:

- P Permitted by right or by right subject to supplemental regulations
- S Permitted by conditional use permit (§ 410-44.3)
- S(x) Expansion of an existing use is permitted subject to approval of a conditional use permit
- E Permitted by right if lawfully existing on the effective date of this chapter
- Blank Use not permitted in zoning district
- * Use subject to site plan review (§ 410-44.2)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Agricultural Uses																
Horticulture	L	P	P													§ 410-31.2
Crop production	L	P	P													§ 410-31.2
Animal production	M	P	P													§ 410-31.2
Confined animal feeding operations	I	S(x)														§§ 410-31.2, 410-31.3
Livestock sales	H	S														
Residential Uses																
Single-family detached	L	P	P	P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Single-family attached	L			P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Duplex	L			P	P	P	P	P	P	P	S	S	E	E	E	
Two-family*	L			S	S	P	P	S	P	S	S	S				
Townhouse*	L				P	P	P	S	P	P	S	P	E	E	E	
Multiple-family*	M					S	P		P	P	S	P	E	E	E	
Downtown residential*	L								P			P				§ 410-31.3

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Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Group residential*	M	S			S	S	P	S	S	S/E	E	E	E	E	E	§ 410-31.3
Boardinghouse*	M						S		S	E	E	E	E	E	E	
Manufactured housing residential	L	P	P	P	P	P	P	P	P	P	S/E	S	E	E	E	
Mobile home park*	M							P								§ 410-31.3
Mobile home subdivision	L							P								§ 410-31.3
Retirement residential*	M	S	S	S	P	P	P	S	P	S	S	P				
Civic Uses																
Administration	L	P	S		S	S	P	S	P	P	P	P	P	P	P	
Cemetery*	L	S	S	S	S	S	S	S								
Clubs (recreational)*	L	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
Clubs (social)*	M	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
College/University*	H	S	S	S	S	S	S	S	S	P	P	P	P	P		
Convalescent services*	L	S	S	S	S	S	P	S	P	P	P	S	S			
Cultural services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care (limited)	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 410-31.4
Day care (general)*	M	S	S	S	S	S	P	P	P	P	P	P	P	P	P	§ 410-31.4
Detention facilities*	I	S									S	S		S	S	
Emergency residential	L	P	P	P	P	P	P	P	P	P	P	P				
Group-care facility*	M			S	S	P	P	S	P	P	P	P				§ 410-31.4
Group home	L	P	P	P	P	P	P	P	P	P	P	P				§ 410-31.4
Guidance services	L					S	P	S	P	P	P	P	P	P	P	
Health care*	M	S			S	S	P	S	P	P	P	P	P	P	P	
Hospitals*	I	S			S	S	S		S	S	P	P	P	S	S	
Maintenance facility*	H	S	S				S			S	P	S	P	P	P	
Park and recreation	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities*	M					S	S		P	P	P	P	P	P	P	
Primary education*	H	P	P	P	P	P	P	P	P	P	S	S				

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Public assembly*	H								S	S	P	P	S	P	P	
Religious assembly*	M	P	S	S	S	S	S	S	P	P	P	P	P	P	C	
Safety services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary education*	I	S	S	S	S	S	P	S	P	S	P	S	S	S		
Utilities*	M	P	S	S	S	S	S	S	S	S	P	S	P	P	P	
Office Uses																
Corporate offices*	M					S	S		P	P	P	P	P	P	P	
General offices	M					S	S		P	P	P	P	P	P	P	
Financial services A	L						S		P	P	P	P	P	P	P	
Financial services B*	M								S	P	P	P	P	P	P	
Medical offices A	L						S		P	P	P	P	P	P	P	
Medical offices B*	M						S		P	P	P	P	P	P	P	
Commercial Uses																
Agricultural sales/service*	H	S									P		S	P	P	
Auto auction lots*	H										S			P	P	§ 410-31.5
Auto rental/sales*	H									S	P	P	S	P	P	§ 410-31.5
Auto services*	H								S	S	P	P	P	P	P	§ 410-31.5
<u>Aviation Maintenance Repair*</u>	<u>M</u>										<u>S</u>			<u>P</u>	<u>P</u>	<u>§ 410-31.5</u>
Body repair*	I										P	S	S	P	P	§ 410-31.5
Dog day care	M	S	S						S	S	S	S		S		§ 410-31.5
Equipment rental/sales*	H									S	P	S	S	P	P	§ 410-31.5
Equipment repair*	H										P	S		P	P	§ 410-31.5
Bed-and-breakfast*	L	S	S	S	P	P	P	S	P	P	P	P	S	S	S	§ 410-31.5
Business support services*	M						S		P	P	P	P	P	P	P	
Business/Trade school*	H						S		P	S	P	P	P	P	P	
Campground*	M	S	S								S					§ 410-31.5
Cocktail lounge*	H									S	P	P	P	P	P	
Commercial recreation (controlled-impact)*	H									S	P	P	P	P	P	

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Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Commercial recreation (high-impact)*	H	S									P		S	P	P	
Communication service*	M					S			P	S	P	P	P	P	P	
Construction sales/service*	H										P	S	P	P	P	§ 410-31.5
Consumer service*	M								P	P	P	P	P	P	P	
Convenience storage*	H						S					P	P	P	P	§ 410-31.5
Food sales (convenience)*	H								S	P	P	P	S	P	S	
Food sales (limited)*	L								P	P	P	P	S			
Food sales (general)*	M								S	P	P	P	S	P		
Food sales (supermarkets)*	I									S	P	S				
Funeral service*	M				S	S	P		P	P	P	P	P	P	P	
Gaming facilities*	H									S	P	P		P	P	
Kennels*	M	S	S								S			P	P	§ 410-31.5
Laundry services*	H										P	P	P	P	P	
Liquor sales*	H									S	P	P		P		
Lodging*	H								S	S	P	P	P			
Personal improvement	M						S		P	P	P	P	P	P	P	
Personal services*	M						S		P	P	P	P	P	P	P	
Pet services*	M								P	P	P	P	P	P		
Research services*	M								S	S	P	P	P	P	P	
Restaurants (drive-through or fast-food)*	H								S	S	S	S	S	S	S	
Restaurants (general)*	H								P	P	P	P	P	P	P	
Restricted business*	I										S			P	P	§ 410-31.5
Retail services (limited)	M								P	P	P	P	P			
Retail services (medium)	M								P	P	P	P	P			
Retail services (large)*	H								S	S	S	S				
Retail services (mass)*	I									S	S					
Stables*	M	P	S													

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Surplus sales*	I										P		P	P	P	
Trade services*	M								S	S	P	S	P	P	P	
Travel centers	H									S	P		S	P	P	§ 410-31.5
Truck stops	I										S		S	S	P	§ 410-31.5
Veterinary services (general)*	M	S	S						P	P	P	P	P	P	P	
Veterinary services (large animal)	H	S												P	P	
Parking Uses																
Off-street parking*	H								S		P	S		P	P	
Parking structure*	H									S	P	P	P	P	P	
Transportation Uses																
Aviation (general)*	I	S											S	S	P	
Aviation (private)*	M	S	S											S	S	
Railroad facilities*	I											S	S	P	P	
Truck terminal*	H													S	P	
Transportation terminal*	H									S	P	P	P	P	P	
Industrial Uses																
Agricultural industry*	I	S												S	P	
Construction yards*	H													P	P	
Custom manufacturing	M								S	S	P	P	P	P	P	
Light industry*	M												S	P	P	
General industry*	H													P	P	
Heavy industry*	I														S	
Recycling collection*	M									S	P	S	S	P	P	
Recycling processing*	H										S			P	P	
Resource extraction*	I	S													S	§ 410-31.6
Salvage services*	I	S													S	§ 410-31.6
Vehicle storage*	H													S	S	§ 410-31.6

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Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Warehousing (enclosed)*	M	S									S	S	P	P	P	
Warehousing (open)*	H													S	P	
Miscellaneous Uses																
Amateur radio tower	L	P	P	P	P	P	P	P	P	P	P	S	P	P	P	
Communications tower	M	S	S						S		S	S	P	P	P	
Construction batch plant*	H													S	P	
Landfill (nonputrescible)*	H	S													S	§ 410-31.9
Landfill (putrescible)*	I															§ 410-31.9
WECS	L	P	S	S	S	S	S	S	S	S	S	S	P	P	P	§ 410-31.9
Shipping containers	H	P									S		S	P	P	§ 410-31.13

§ 410-31.5. Commercial uses. [Amended 2-8-2019 by Ord. No. 2019-05; 9-17-2019 by Ord. No. 2019-26; 11-17-2020 by Ord. No. 2020-31; 10-4-2022 by Ord. No. 2022-17]

A. Auto service, repair, equipment repair, travel center, truck stop, and body repair uses.

- (1) Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 33 of this chapter.
- (2) Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.
- (3) All entrances and exits serving a gasoline or diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
- (4) All fuel pumps shall be set back at least 15 feet from any street line.

B. Automobile, RV, and equipment rental and sales.

- (1) All outdoor display areas for rental and sales facilities shall be hard-surfaced, unless screened from casual view as provided by § 410-33.6.
- (2) Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

C. Aviation Maintenance and repair services.

- (1) The aircraft must be tugged or trailered from the airport to the maintenance facility
- (2) The aircraft must enter the maintenance facility from the airport side.
- (3) No aircraft will remain outdoors outside of hours of operation.
- (4) Aircraft maintenance facility must be within 1000 feet of the Seward Airport Authority property.

C.D. Bed-and-breakfasts.

- (1) When permitted in residential districts, bed-and-breakfasts shall include a maximum of four guest units and the residence of the facility owner.
- (2) Bed-and-breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level, except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

D.E. Campgrounds.

- (1) Minimum size. Each campground established after the effective date of this chapter shall have a minimum size of one acre.

- (2) Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty-five-foot bufferyard from all other property lines.
- (3) Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers providing their own on-board water and disposal systems.

E.F. Construction sales and service. Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

- (1) Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
- (2) All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
- (3) All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
- (4) Minimum screening shall be consistent with screening standards set forth in § 410-33.6.
- (5) All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.

F.G. Convenience storage. When permitted outside of the I-2 District, convenience storage facilities shall be subject to the following additional requirements:

- (1) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- (2) All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- (3) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- (4) No storage buildings may open into required front yards.
- (5) Facilities, except within the CBD (Central Business District), must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 33.
- (6) Within the CBD (Central Business District), all storage units must be contained within an enclosed building structure.

G.H. Dog day care.

- (1) The dogs shall be under the direct supervision of an on-duty company employee at all times.
- (2) Provide sight-obscuring fencing for all on-site outdoor exercise areas. The fence shall be subject to § 410-32.8, Fence regulations.

- (3) Outdoor exercise area shall have artificial turf and/or pea gravel.
- (4) Maximum of 15 dogs in the outdoor exercise area.
- (5) Outdoor exercise area hours of operation are from dawn to dusk.
- (6) The outdoor exercise area shall not be used on July 4.
- (7) Dog day care facilities shall not be adjacent to a residential zoning district; this includes across streets and rights-of-way.
- (8) The applicant shall be required to obtain all licenses and permits and meet the City's conditional use and site plan review requirements, as applicable.

H.I. Kennels.

- (1) The minimum lot size shall be two acres.
- (2) No dog runs or exterior kennels shall be located nearer than 50 feet to any property line and 100 feet to the property line of any residential use or district.
- (3) All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 33, establishing landscape and screening standards.

I.J. Restricted (adult entertainment) businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

- (1) No adult entertainment business shall be open for business between the hours of 12:00 midnight and 6:00 a.m.
- (2) A new adult entertainment business shall not be allowed within 1,000 feet of an existing adult entertainment business.
- (3) A new adult entertainment business shall not be located within 500 feet of any residentially zoned district or 1,000 feet of a preexisting school, public park, or place of worship.
- (4) The provisions of this subsection shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformance shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope, and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
- (5) Measurement of distances. For the purpose of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the main entrance of such adult entertainment business.
- (6) No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window

or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.

- (7) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
- (8) An adult entertainment business shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. The sign shall comply with the City's sign regulations. This subsection shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- (9) Nuisance operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

ORDINANCE NO. 2025-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 3 AND ATTACHMENT 1 USE MATRIX; TO AMEND COMMERCIAL USES; ARTICLE 32 SUPPLEMENTAL USE REGULATIONS; TO AMEND COMMERCIAL USES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

That Chapter 410 of the Municipal Code of the City of Seward is hereby amended as follows:

Section 1. That §410-3.7 to be amended as follows

That §410-31.5 B be amended as follows:

§410-3.7 Commercial Uses.

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

- A. Agricultural sales and service: establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.
- B. Automotive and equipment services: establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
 - (1) Automobile auction lots: sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
 - (2) Automotive rental and sales: sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
 - (3) Auto services: provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities, but exclude dismantling, salvage, or body and fender repair services.

- (4) Body repair: repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
 - (5) Equipment rental and sales: sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
 - (6) Equipment repair services: repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.
- C. Aviation maintenance and repair: inspection, overhaul, repair, preservation, and replacement of parts and components to ensure an aircraft's continued airworthiness.
 - D. Bed-and-breakfast: a lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed-and-breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed-and-breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.
 - E. Business support services: establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.
 - F. Business or trade schools: a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
 - G. Campground: facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one-month period.
 - H. Cocktail lounge: a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
 - I. Commercial recreation (controlled-impact): private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled-impact commercial recreation uses typically take place entirely within

enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, miniature golf courses, and private golf courses.

- J. Commercial recreation (high-impact): private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. High-impact commercial recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.
- K. Communications services: establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as "utilities." Typical uses include television studios, telecommunications service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures, are classified as "miscellaneous use types."
- L. Construction sales and services: establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under "automotive and equipment services." Typical uses include building materials sales, or tool and equipment rental or sales.
- M. Consumer services: establishments that provide services, primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- N. Convenience storage: storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.
- O. Dog day care: establishments where dogs may be groomed, trained, exercised, and socialized but not bred, sold, or let for hire. Dogs may be boarded when totally within a building.
- P. Food sales: establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
 - (1) Convenience food sales: establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sale of fuel for motor vehicles.
 - (2) Limited food sales: establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.

(3) General food sales: establishments selling a wide variety of food commodities and related items, using facilities 10,000 square feet or larger but less than 40,000 square feet. Typical uses include grocery stores and locker plants.

(4) Supermarkets: establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities 40,000 square feet or larger. Typical uses include large grocery stores.

- Q. Funeral services: establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- R. Gaming facilities: establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of the City of Seward and/or the State of Nebraska.
- S. Kennels: boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than three animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich-raising facilities, pet motels, or dog training centers.
- T. Laundry services: establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as "personal services." Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.
- U. Liquor sales: establishments or places of business engaged in retail sale of alcoholic beverages for off-premises consumption. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
- V. Lodging: lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed-and-breakfasts. Typical uses include hotels, apartment hotels, and motels.
- W. Personal improvement services: establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.
- X. Personal services: establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry-cleaning stations serving individuals and households. Personal services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.
- Y. Pet services: retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses

include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

- Z. Research services: establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.
- AA. Restaurants: a use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.
- (1) Restaurant (drive-through or fast-food): an establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility, ordering boards, drive-through windows/lanes, on-site accommodations, self-service, and short stays by customers.
 - (2) Restaurant (general): an establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to drive-in or fast-food restaurants. Typical uses include cafes, coffee shops, and restaurants.
- BB. Restricted (or adult) businesses: any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.
- (1) For the purposes of this definition, "specified anatomical areas" include the following if less than opaquely covered: human genitals, the pubic region, pubic hair, or the female breast below a point immediately above the top of the areola.
 - (2) "Specified sexual activities" include any of the following conditions:
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts or representations of acts of human masturbation, sexual intercourse with humans or animals, oral sex, or flagellation.
 - (c) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
 - (d) Excretory functions as part of or in connection with any activities set forth in (a) through (c) above.
- CC. Retail services: sale or rental with incidental service of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:
- (1) Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items;

flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

(2) General retail services include:

- (a) Limited retail services: establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Seward and its surrounding vicinity.
- (b) Medium retail services: establishments providing retail services, occupying facilities between 3,001 square feet and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general-purpose retailing oriented to Seward and its surrounding vicinity.
- (c) Large retail services: establishments providing retail services, occupying facilities between 10,001 square feet and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Seward and its surrounding vicinity.
- (d) Mass retail services: establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Seward and the surrounding region.

- DD. Stables and/or riding academies: the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equines for hire.
- EE. Surplus sales: businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.
- FF. Trade services: establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.
- GG. Travel centers: facilities that provide for the sale of fuel, provisions, and supplies to motorists, including operators of over-the-road trucks, in which less than 30% of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are

typically located along or near interstate highways or other principal state and federal designated highway routes.

HH. Truck stops: facilities that provide for the sale of fuel, provisions, and supplies to motorists, including operators of over-the-road trucks, in which 30% or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes.

II. Veterinary services (general): veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoriums, and veterinary hospitals for livestock and large animals.

JJ. Veterinary services (large animal): veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

Section 2. That §410-31.5 to be amended as follows

§410-31.5 Commercial Uses.

A. Auto service, repair, equipment repair, travel center, truck stop, and body repair uses.

- (1) Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 33 of this chapter.
- (2) Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.
- (3) All entrances and exits serving a gasoline or diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
- (4) All fuel pumps shall be set back at least 15 feet from any street line.

B. Automobile, RV, and equipment rental and sales.

- (1) All outdoor new display areas for rental and sales facilities shall be surfaced with concrete, asphalt, asphaltic concrete or brick and shall be maintained with materials sufficient to prevent mud, dust or loose material. Existing display areas are exempt from this requirement, unless the use has been discontinued for more than 12 consecutive months.

- (2) Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

C. Aviation Maintenance and repair services.

- (1) The aircraft must be tugged or trailered from the airport to the maintenance facility
- (2) The aircraft must enter the maintenance facility from the airport side.
- (3) No aircraft will remain outdoors outside of hours of operation.
- (4) Aircraft maintenance facility must be within 1000 feet of the Seward Airport Authority property.

D. Bed-and-breakfasts.

- (1) When permitted in residential districts, bed-and-breakfasts shall include a maximum of four guest units and the residence of the facility owner.
- (2) Bed-and-breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level, except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

E. Campgrounds.

- (1) Minimum size. Each campground established after the effective date of this chapter shall have a minimum size of one acre.
- (2) Setbacks. All campgrounds shall maintain a fifty-foot front yard setback and a twenty- five-foot bufferyard from all other property lines.
- (3) Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers providing their own on-board water and disposal systems.

F. Construction sales and service. Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

- (1) Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
- (2) All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
- (3) All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
- (4) Minimum screening shall be consistent with screening standards set forth in § 410-33.6.
- (5) All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.

G. Convenience storage. When permitted outside of the I-2 District, convenience storage facilities shall be subject to the following additional requirements:

- (1) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
- (2) All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
- (3) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- (4) No storage buildings may open into required front yards.
- (5) Facilities, except within the CBD (Central Business District), must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 33.
- (6) Within the CBD (Central Business District), all storage units must be contained within an enclosed building structure.

H. Dog day care.

- (1) The dogs shall be under the direct supervision of an on-duty company employee at all times.
- (2) Provide sight-obscuring fencing for all on-site outdoor exercise areas. The fence shall be subject to § 410-32.8, Fence regulations.
- (3) Outdoor exercise area shall have artificial turf and/or pea gravel.
- (4) Maximum of 15 dogs in the outdoor exercise area.
- (5) Outdoor exercise area hours of operation are from dawn to dusk.
- (6) The outdoor exercise area shall not be used on July 4.
- (7) Dog day care facilities shall not be adjacent to a residential zoning district; this includes across streets and rights-of-way.
- (8) The applicant shall be required to obtain all licenses and permits and meet the City's conditional use and site plan review requirements, as applicable.

I. Kennels.

- (1) The minimum lot size shall be two acres.
- (2) No dog runs or exterior kennels shall be located nearer than 50 feet to any property line and 100 feet to the property line of any residential use or district.
- (3) All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Article 33, establishing landscape and screening standards.

J. Restricted (adult entertainment) businesses. Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

- (1) No adult entertainment business shall be open for business between the hours of 12:00 midnight and 6:00 a.m.
- (2) A new adult entertainment business shall not be allowed within 1,000 feet of an existing adult entertainment business.

- (3) A new adult entertainment business shall not be located within 500 feet of any residentially zoned district or 1,000 feet of a preexisting school, public park, or place of worship.
- (4) The provisions of this subsection shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformance shall come into compliance on or before January 1, 2005, and no such nonconforming use shall be permitted to expand in size or scope, and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.
- (5) Measurement of distances. For the purpose of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the main entrance of such adult entertainment business.
- (6) No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.
- (7) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semi-public area.
- (8) An adult entertainment business shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. The sign shall comply with the City's sign regulations. This subsection shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- (9) Nuisance operation. Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the City Attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or injunction thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

Section 3. That Attachment 1 Use Matrix is amended as follows

ZONING AND SUBDIVISION

410 Attachment 1

City of Seward

Use Matrix

[Amended 11-20-2018 by Ord. No. 2018-19; 2-8-2019 by Ord. No. 2019-05; 2-19-2019 by Ord. No. 2019-04; 7-16-2019 by Ord. No. 2019-21; 6-16-2020 by Ord. No. 2020-13; 11-17-2020 by Ord. No. 2020-31; 7-6-2021 by Ord. No. 2021-15; 8-17-2021 by Ord. No. 2021-18; 10-4-2022 by Ord. No. 2022-17]]

KEY:

- P Permitted by right or by right subject to supplemental regulations
- S Permitted by conditional use permit (§ 410-44.3)
- S(x) Expansion of an existing use is permitted subject to approval of a conditional use permit
- E Permitted by right if lawfully existing on the effective date of this chapter
- Blank Use not permitted in zoning district
- * Use subject to site plan review (§ 410-44.2)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Agricultural Uses																
Horticulture	L	P	P													§ 410-31.2
Crop production	L	P	P													§ 410-31.2
Animal production	M	P	P													§ 410-31.2
Confined animal feeding operations	I	S(x)														§§ 410-31.2, 410-31.3
Livestock sales	H	S														
Residential Uses																
Single-family detached	L	P	P	P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Single-family attached	L			P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Duplex	L			P	P	P	P	P	P	P	S	S	E	E	E	
Two-family*	L			S	S	P	P	S	P	S	S	S				
Townhouse*	L				P	P	P	S	P	P	S	P	E	E	E	
Multiple-family*	M					S	P		P	P	S	P	E	E	E	
Downtown residential*	L								P			P				§ 410-31.3

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Group residential*	M	S			S	S	P	S	S	S/E	E	E	E	E	E	§ 410-31.3
Boardinghouse*	M						S		S	E	E	E	E	E	E	
Manufactured housing residential	L	P	P	P	P	P	P	P	P	P	S/E	S	E	E	E	
Mobile home park*	M							P								§ 410-31.3
Mobile home subdivision	L							P								§ 410-31.3
Retirement residential*	M	S	S	S	P	P	P	S	P	S	S	P				
Civic Uses																
Administration	L	P	S		S	S	P	S	P	P	P	P	P	P	P	
Cemetery*	L	S	S	S	S	S	S	S								
Clubs (recreational)*	L	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
Clubs (social)*	M	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
College/University*	H	S	S	S	S	S	S	S	S	P	P	P	P	P		
Convalescent services*	L	S	S	S	S	S	P	S	P	P	P	S	S			
Cultural services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care (limited)	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 410-31.4
Day care (general)*	M	S	S	S	S	S	P	P	P	P	P	P	P	P	P	§ 410-31.4
Detention facilities*	I	S									S	S		S	S	
Emergency residential	L	P	P	P	P	P	P	P	P	P	P	P				
Group-care facility*	M			S	S	P	P	S	P	P	P	P				§ 410-31.4
Group home	L	P	P	P	P	P	P	P	P	P	P	P				§ 410-31.4
Guidance services	L					S	P	S	P	P	P	P	P	P	P	
Health care*	M	S			S	S	P	S	P	P	P	P	P	P	P	
Hospitals*	I	S			S	S	S		S	S	P	P	P	S	S	
Maintenance facility*	H	S	S				S			S	P	S	P	P	P	
Park and recreation	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities*	M					S	S		P	P	P	P	P	P	P	
Primary education*	H	P	P	P	P	P	P	P	P	P	S	S				

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Public assembly*	H								S	S	P	P	S	P	P	
Religious assembly*	M	P	S	S	S	S	S	S	P	P	P	P	P	P	C	
Safety services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary education*	I	S	S	S	S	S	P	S	P	S	P	S	S	S		
Utilities*	M	P	S	S	S	S	S	S	S	S	P	S	P	P	P	
Office Uses																
Corporate offices*	M					S	S		P	P	P	P	P	P	P	
General offices	M					S	S		P	P	P	P	P	P	P	
Financial services A	L						S		P	P	P	P	P	P	P	
Financial services B*	M								S	P	P	P	P	P	P	
Medical offices A	L						S		P	P	P	P	P	P	P	
Medical offices B*	M						S		P	P	P	P	P	P	P	
Commercial Uses																
Agricultural sales/service*	H	S									P		S	P	P	
Auto auction lots*	H										S			P	P	§ 410-31.5
Auto rental/sales*	H									S	P	P	S	P	P	§ 410-31.5
Auto services*	H								S	S	P	P	P	P	P	§ 410-31.5
<u>Aviation Maintenance Repair*</u>	<u>M</u>										<u>S</u>			<u>P</u>	<u>P</u>	<u>§ 410-31.5</u>
Body repair*	I										P	S	S	P	P	§ 410-31.5
Dog day care	M	S	S						S	S	S	S		S		§ 410-31.5
Equipment rental/sales*	H									S	P	S	S	P	P	§ 410-31.5
Equipment repair*	H										P	S		P	P	§ 410-31.5
Bed-and-breakfast*	L	S	S	S	P	P	P	S	P	P	P	P	S	S	S	§ 410-31.5
Business support services*	M						S		P	P	P	P	P	P	P	
Business/Trade school*	H						S		P	S	P	P	P	P	P	
Campground*	M	S	S								S					§ 410-31.5
Cocktail lounge*	H									S	P	P	P	P	P	
Commercial recreation (controlled-impact)*	H									S	P	P	P	P	P	

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Commercial recreation (high-impact)*	H	S									P		S	P	P	
Communication service*	M					S			P	S	P	P	P	P	P	
Construction sales/service*	H										P	S	P	P	P	§ 410-31.5
Consumer service*	M								P	P	P	P	P	P	P	
Convenience storage*	H						S					P	P	P	P	§ 410-31.5
Food sales (convenience)*	H								S	P	P	P	S	P	S	
Food sales (limited)*	L								P	P	P	P	S			
Food sales (general)*	M								S	P	P	P	S	P		
Food sales (supermarkets)*	I									S	P	S				
Funeral service*	M				S	S	P		P	P	P	P	P	P	P	
Gaming facilities*	H									S	P	P		P	P	
Kennels*	M	S	S								S			P	P	§ 410-31.5
Laundry services*	H										P	P	P	P	P	
Liquor sales*	H									S	P	P		P		
Lodging*	H								S	S	P	P	P			
Personal improvement	M						S		P	P	P	P	P	P	P	
Personal services*	M						S		P	P	P	P	P	P	P	
Pet services*	M								P	P	P	P	P	P		
Research services*	M								S	S	P	P	P	P	P	
Restaurants (drive-through or fast-food)*	H								S	S	S	S	S	S	S	
Restaurants (general)*	H								P	P	P	P	P	P	P	
Restricted business*	I										S			P	P	§ 410-31.5
Retail services (limited)	M								P	P	P	P	P			
Retail services (medium)	M								P	P	P	P	P			
Retail services (large)*	H								S	S	S	S				
Retail services (mass)*	I									S	S					
Stables*	M	P	S													

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Surplus sales*	I										P		P	P	P	
Trade services*	M								S	S	P	S	P	P	P	
Travel centers	H									S	P		S	P	P	§ 410-31.5
Truck stops	I										S		S	S	P	§ 410-31.5
Veterinary services (general)*	M	S	S						P	P	P	P	P	P	P	
Veterinary services (large animal)	H	S												P	P	
Parking Uses																
Off-street parking*	H								S		P	S		P	P	
Parking structure*	H									S	P	P	P	P	P	
Transportation Uses																
Aviation (general)*	I	S											S	S	P	
Aviation (private)*	M	S	S											S	S	
Railroad facilities*	I											S	S	P	P	
Truck terminal*	H													S	P	
Transportation terminal*	H									S	P	P	P	P	P	
Industrial Uses																
Agricultural industry*	I	S												S	P	
Construction yards*	H													P	P	
Custom manufacturing	M								S	S	P	P	P	P	P	
Light industry*	M												S	P	P	
General industry*	H													P	P	
Heavy industry*	I														S	
Recycling collection*	M									S	P	S	S	P	P	
Recycling processing*	H										S			P	P	
Resource extraction*	I	S													S	§ 410-31.6
Salvage services*	I	S													S	§ 410-31.6
Vehicle storage*	H													S	S	§ 410-31.6

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Warehousing (enclosed)*	M	S									S	S	P	P	P	
Warehousing (open)*	H													S	P	
Miscellaneous Uses																
Amateur radio tower	L	P	P	P	P	P	P	P	P	P	P	S	P	P	P	
Communications tower	M	S	S						S		S	S	P	P	P	
Construction batch plant*	H													S	P	
Landfill (nonputrescible)*	H	S													S	§ 410-31.9
Landfill (putrescible)*	I															§ 410-31.9
WECS	L	P	S	S	S	S	S	S	S	S	S	S	P	P	P	§ 410-31.9
Shipping containers	H	P									S		S	P	P	§ 410-31.13

SECTION 4. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. WHEN OPERATIVE; PUBLICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this _____ day of _____, 2025

CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
City Clerk

2. Public Hearing 7:30pm: review a special use permit at 1253 280th Rd, for Kill Devil Aviation, to allow aviation maintenance and repair in the C-2 District.

City of Seward Planning Commission

142 N 7th St. Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &
Code Enforcement Director
402-643-4000

APPLICATION TYPE

Special Use permit

FINAL ACTION?

DEVELOPER/OWNER

Kill Devil Aviation/Steve Helmandollar

PC HEARING DATE

September 8, 2025

RELATED APPLICATIONS

PROPERTY ADDRESS, ZONING DISTRICT/USE

1253 280th Rd, C-2, Aviation Maintenance

ADJACENT ZONING DISTRICTS/USE:

North, C-2, Commercial – Arrowhead Construction

East, RR, Agriculture – Vernon Curtis

South, C-2, Commercial – Seward Airpark

West, AV, Aviation – Seward Airport Authority

BRIEF SUMMARY OF REQUEST

A Special Use Permit application for an Aviation maintenance and repair business located in C-2 Highway Commercial zoning district.



APPLICATION CONTACT

Steve Helmandollar, [REDACTED]

1600 N 212th St, Elkhorn, NE 68022

ANALYSIS

Kill Devil Aviation is seeking a Special Use Permit to allow for an Aviation maintenance and repair business in a C-2 Highway Commercial zoning district. The Supplemental use conditions for the Special Use Permit are

listed below. The permit would be issued to the owner and expire should the owner no longer own the business or continue the Aviation repair use.

The notice of this Public Hearing was published in the Seward County Independent, 300 ft. letters mailed.

APPROXIMATE LAND AREA:

18.85 acres or 22,758 square feet +/-

LEGAL DESCRIPTION:

5-10-3 #E 1/2 NE ¼

Prepared by

Tim Dworak

City of Seward Building – Zoning – Code Enforcement Director

CONDITIONS OF APPROVAL – SPECIAL USE PERMIT # CU25-03.

As provided by the City of Seward Unified Land Development Ordinance, Article 44 Administrative Procedures and Penalties, section 410-44.3 Conditional Use Permits, this approval permits an Aviation Maintenance and Repair business in C-2 zoning.

STANDARD CONDITIONS:

1. The aircraft must be tugged or trailered from the airport to the maintenance facility.
2. The aircraft must enter the maintenance facility from the airport side.
3. No aircraft will remain outdoors outside of hours of operation.
4. Aircraft maintenance facility must be located within 1000 feet of the Seward Airport Authority property.

SITE SPECIFIC CONDITIONS:

1. Access agreement with the Seward Airport Authority



Application for Special Use Permit

Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting. City Planning Commission meets the 2nd Monday of each month.

Instructions:

- 1. Fill out the application form completely. Use additional sheets if needed.
- 2. Filing Fee is \$200. Notification Fee is \$100. Amount Due is \$300 payable to th City of Seward.
- 3. Contact the City of Seward Building & Zoning Director for questions.
- 4. Submit a list of property owners within 300 feet, prepared by a certified abstractor.

Permit No. CU25-03

Date : 21 Jul 2025

Applicants Name : Steve Helwardollar

Applicants Address: 1600 N 212nd St

Phone Number: [REDACTED]

Email: [REDACTED]

Present use of Property: Ag Storage

Requested use of Property : Aviation maintenance & repair

Present Zoning: C-2 Heavy Commercial

Legal Description: E2 NE4 S-10.3

Provisions of the Zoning Regulations you are seeking for this permit:

410 Attachment 1 + Article 31 Supplemental Use

Number of Years for Permit (5 yrs, 10 yrs, etc): perpetuity

Explain in detail what you propose to do: _____

Adjoining Property Use: North: C-2 South: C-2

West: Ag East: Ag

This authorize the City of Seward Planning and Zoning Director to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. The Director may be accompanied by members the City of Seward Planning Commission or Seward City Council.

Applicant Signature: [Handwritten Signature]



800098250

800230785

800003241

800003284

560 feet

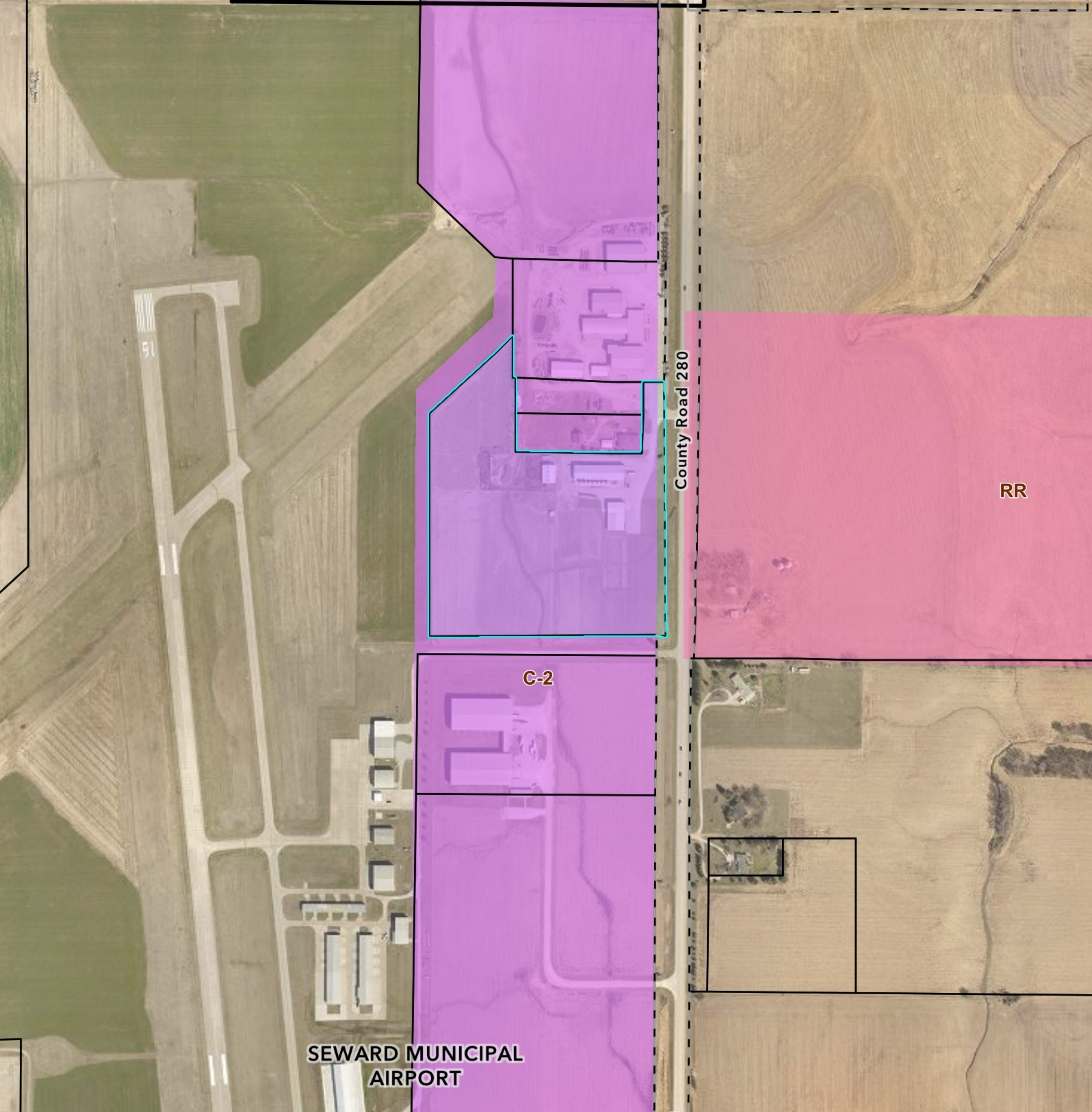
800003233

800003101

0

280 RD

280 RD



51

County Road 280

RR

C-2

SEWARD MUNICIPAL AIRPORT

Return To:
City of Seward
PO Box 38
Seward, NE 68434

Notice of Special Use Permit

This Notice shall hereby certify that City of Seward approved Conditional Use Permit CU25-03 on September 8th, granting Kill Devil Aviation a Special Use Permit for an aviation maintenance facility in C2 – Highway Commercial District at the property legally described as:

Part of the Southeast Quarter of the Northeast Quarter of Section 5, Township 10 North, Range 3 East of the 6th P.M., Seward County Nebraska,

(Commonly known as 1253 280th Rd.)

with the following conditions:

1. The aircraft must be tugged or trailered from the airport to the maintenance facility.
2. The aircraft must enter the maintenance facility from the airport side.
3. No aircraft will remain outdoors outside of hours of operation.
4. Aircraft maintenance facility must be located within 1000 feet of the Seward Airport Authority property.
5. Access agreement with the Seward Airport Authority

Said special use permit shall run with Kill Devil Aviation, and is void once they are no longer the owner.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this _____ day of _____, 2025.

Joshua Eickmeier, Mayor City of Seward

STATE OF NEBRASKA

SS

COUNTY OF SEWARD

The foregoing instrument was acknowledged before me on the _____ day of _____, 2025, by Joshua Eickmeier, Mayor of the City of Seward.

Notary Seal:

Notary Public

**ADMINISTRATIVE ITEMS
REPORTS**

1. Report on Meetings Attended

**FUTURE REQUESTS FOR COMMISSION AGENDA ITEMS OR
ADMINISTRATIVE ACTION
ANNOUNCEMENT OF UPCOMING EVENTS
MOTION TO ADJOURN**

I, Derek Bargmann, the duly appointed qualified and acting City Clerk of the City of Seward, Nebraska, hereby certify that the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward Memorial Library, and CityofSewardNE.gov

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City.

Derek Bargmann, City Clerk

Date